

REMARKS

Non-elected claims 15 to 25 and 50 to 58 have been canceled.

Elected claims 1 to 7 and 10 to 25 have been canceled. Claims 8, 26, 32, 38, and 44 have been amended. New method claims 59 and 60 have been added.

Claims 7, 8, 26 to 49, 59 and 60 remain in the application. Among these claim 26 is the sole system claim, and claim 38 is the sole method claim. These independent claims have been amended to define, respectively, a system and method in which a physiologic fluid is circulated outside the body for treatment according to a primary treatment modality and which includes, in addition, the removal of cytokines or other species of pro-inflammatory or anti-inflammatory stimulators or mediators, which can be generated, at least in part, as a result of the treatment modality itself. Support for the claim amendments can be found, e.g., on Specification page 58, lines 2 to 17.

Claims 26 to 49 stand rejected under 35 U.S.C. § 103 based upon Hirai et al (US 5,902,877) in view of Okarma (US 5,437,861) (The Examiner refers to Harai ('362), which applicant understands to mean Harai ('877), as there is no Harai ('362) of record). The Examiner states that Hirai does not disclose circulating peritoneal dialysis solution, CSF, or spinal fluid for removal of cytokines, but indicates that it would be obvious to do so in light of Harai's disclosure. The Examiner also points to Okarma as showing the circulation of blood outside the body for removal of cytokines, indicating that it would be obvious to circulate physiologic fluids outside the body in the same manner. In this respect, applicant notes that Harai, too, discloses the extracorporeal circulation of blood, plasma, serum, ascites, lymph, and synovia for removal of cytokines (see column 9, line 65, to column 10, line 11).

The applicant respectfully traverses the rejections. Neither Harai nor Okarma teaches or suggests the subject matter defined in the amended independent claims 26 or 38. Harai and Okarma do not teach or suggest or contemplate coupling cytokine removal to another primary treatment modality conducted outside the body. In particular, neither Harai nor Okarma teaches or suggests circulating physiologic fluid outside the body for treatment according to a primary treatment modality while, in addition, removing cytokines or other species of pro-inflammatory or anti-inflammatory stimulators or mediators which can be generated, at least in part, as a result of the primary treatment modality itself. Harai's and Okarma's sole focus is the removal of cytokines that are generated within the body – they do not teach, suggest, or contemplate that a given primary

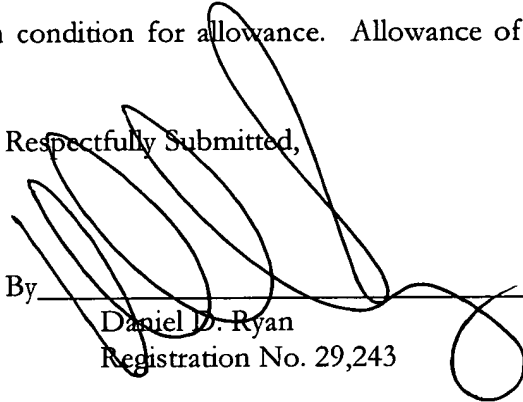
treatment modality itself can trigger, at least in part, the production of cytokines or other species of pro-inflammatory or anti-inflammatory stimulators or mediators in physiologic fluids during circulation outside the body. Neither Harai and Okarma teach, suggest, or contemplate that a given primary treatment modality conducted outside the body should be accompanied by the additional step of removing of cytokines or other species of pro-inflammatory or anti-inflammatory stimulators or mediators that can be generated at least in part as a result of the primary treatment modality conducted outside the body.

All other claims are dependent upon independent claim 26 or 38 and are therefore also believed to be allowable.

Applicant believes the case is now in condition for allowance. Allowance of claims 7, 8, 26 to 49, 59 and 60 is respectfully requested.

Respectfully Submitted,

By


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